

REMARKS

Claims 1-27 including multiple dependent claims were pending in the application. Claims 28-32 have been newly added.

Claims 1, 2, 11, 12, 21, 22, 25, and 28 are independent claims.

Claims 2-10, 12-22, and 25-27 are allowed.

Specification Amendment

The specification has been amended to include the word the "lumen" as understood by a person of ordinary skill in the art as the space within the stent containment sheath.

The specification has been further amended to correct the recitation of elements to match the Figures. No new matter has been added.

Rejection Under 35 U.S.C § 112, second paragraph

Claims 1, 11, 23, and 24 stand rejected under 35 U.S.C § 112, second paragraph as being indefinite.

Claims 1, 11, 23, and 24 have been amended directly, or by virtue of their dependence on an amended claim, to provide clarity and be definite.

Rejection Under 35 U.S.C § 103 (a).

Claims 1, 11, 23, and 24 stand rejected under 35 U.S.C § 103 (a) as being unpatentable over Fiedler (5,817,101) in view of Bartholf et al. (US Pub 2001/0034549).

Claims 1 and 11 have been amended to recite that the inner surfaces referred to in the claims are the surfaces "exposed to a stent containment sheath lumen." Fiedler, contrary to the Examiner's comments, does not disclose all three elements as recited by the claims: 1) a plunger; 2) a fixed seal mount (separate from said plunger); and 3) a fluid receiving chamber starting at said fixed seal mount and extending away from said plunger. The configuration disclosed in Fiedler provides no regard to the requirement of the present invention, which requires that the inner exposed surface of the stent containment sheath has no possibility of being damaged (by scratching etc.), by being subject to contact with the stent contained within the compressed stent retention section of the stent containment sheath. There is no motivation in Fiedler to configure

that catheter in any other way than to have the seal 38 act as both the plunger and seal. Fiedler does not consider the issue of fluid leakage from the pressurizing chamber and thus provides no motivation or suggestion for correcting such an issue.

The Examiner further cites Bartholf for the proposition that a sheath can be made of several sections. Bartholf does not disclose a sheath having several different longitudinally spaced sections as recited in the claims. Examiner's characterization of the embedded braid as having an inner surface, is acknowledged. Claims 1 and 11 have been amended to recite that the inner surface referred to in the claims is exposed to the lumen of the sheath. The exposure of different materials to the inner lumen surface is not disclosed in Barthoff, nor is there any suggestion to combine Barthoff with Fiedler as the Examiner suggests - nor is there any mention of preventing fluid leakage from the pressurizing chamber whose solution is recited and presented by the configuration and current application and claims as amended. Without some teaching or suggestion in the prior art a rejection based on obviousness cannot survive.

New Claims 28-32

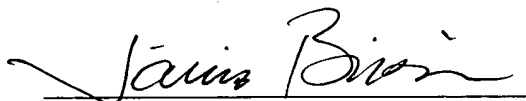
New claims 28-32 recite the configuration of the anti-kinking spacer as described in the specification.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1888.

Respectfully submitted,

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